

TRANSPORTATION IN SAN DIEGO COUNTY

SYNOPSIS

This investigation is addressed by the 2000-2001 San Diego County Grand Jury to determine what can be done to correct the future transportation deficiencies of San Diego County, by the proper and responsible public agencies.

As everyone who drives or rides in an automobile knows, all freeways, highways, arterial roads, and many streets, are well beyond their designed capacity, and at certain times of the day, are at gridlock. The rapid transit systems also are, in most cases, at or near their capacity at peak hours of the day. Many freeways, airports, highways, streets, and rapid transit facilities are deteriorating at a rate that is faster than they can be repaired, or replaced.

Based upon indices such as highway congestion, conditions are getting worse, not better. Projections by government agencies indicate that transportation will continue in a downward spiral far into the future. The transportation systems, airports, freeways, streets, roads, and public transit, of San Diego County, and the state of California are in serious trouble.

The Grand Jury recommendations if implemented, will partially reverse this situation within San Diego County, if implemented on a fast-track program. The recommendations will require the electorate to approve a bond authorization, to approve an extension of the one half cent sales tax (TransNet), to take effect upon expiration of the present TransNet tax in 2008, and to approve a new one half cent sales tax, for the purpose of payment of the principal and interest on the bonds.

The recommendations combined with funds from state and federal highway taxes will build two new freeways within San Diego County, and improve or extend portions of State Highways 52, 67, 76, 78, and 125.

The recommendations will combine federal airport funds with fees and assessments from an airport district to construct a new airfield at Camp Pendleton for the United States Marine Corps, and construct a new commercial airport at Miramar US Marine Corps air station.

The recommendations will double-track the rail line along the coast, and lower the track through the cities of Encinitas and Del Mar, provide more parking, and shuttle service to and from the rail lines.

BACKGROUND

Transportation in San Diego County is planned, financed, constructed, and maintained by many different public agencies:

- San Diego County
- The 18 cities within San Diego County
- Caltrans
- Amtrak
- North San Diego County Transit Development Board.
- Metropolitan Transit Development Board
- San Diego Unified Port District
- San Diego Association of Governments (SANDAG)
- San Diego Transit Corp. Inc.
- San Diego Trolley Inc.
- Chula Vista Transit
- National City Transit Corp.
- Arizona and Eastern Railroad
- Metropolitan Planning Organization
- Congestion Management Agency
- San Diego County Regional Transportation Commission
- Many planning departments, street, highway departments, subagencies, and commissions of the cities, county, state, and federal government.

Officials from most of these agencies have met on a regular basis, as the Joint Agency Negotiation Team on Consolidation (JANTOC.) During the JANTOC discussions and deliberations, the issue of land use and transportation interrelations, especially regionally significant land uses, were identified as a crucial component of the regional governance issue.

In 2000 legislation was introduced in the California legislature, which would have consolidated most of the above agencies into the Regional Infrastructure Transportation Agency (RITA). As amended and passed by the legislature, SB 329 created the 11 member Regional Government Efficiency Commission (RGECE). The commission's job is to formulate recommendations to improve regional decision-making among all the agencies within San Diego County. If any changes are proposed, through legislation, to the existing San Diego regional governance structure, a vote of the electorate would be required. If approved, a new regional governance structure would become effective on January 1, 2003.

At the crux of regional decision-making is the participation of local elected officials and how they integrate the authority for regional transportation and local land use decisions. There is a need to integrate and improve public policy decisions concerning land use

and transportation, and to better balance where we live, shop, and work in order to reduce traffic congestion on our highways and local streets.

The population of California has been increasing by more than half a million people each year and it is projected that the population of San Diego County will increase by at least one million people by the year 2020. Most residents will be living within 25 miles of the coast. The estimated, ultimate, population of the County will be five million or more people. This will translate into a doubling of today's population and an estimated twice the number of vehicles on the areas highways and streets. The need for a corresponding increase in public transit, and air travel is obvious.

While the population and vehicles are increasing, the average driver is traveling more vehicle miles each year. Average fuel consumption per vehicle mile traveled, has been reduced by more than half in the past 25 years, from 13 miles per gallon in 1974 to 28 miles per gallon in 2000. More miles traveled increases the need for highway maintenance; however, because today's automobiles are so much more fuel efficient, less gasoline is purchased per mile, therefore less fuel tax is collected per mile traveled.

Developer fees provide some funds for new highway and street construction. As each new generation of children grow up in the house that paid the developer fee, they add vehicles to the transportation system. This is especially true in older homes where no developer fees were ever collected for these additional vehicles.

State fuel taxes remain the main source of revenue for transportation needs in the state, and also provide about one third of the funding for San Diego County transportation systems. Of other revenue available to San Diego County agencies for transportation projects, about one third is provided by the federal government. Another one third is derived from the TransNet tax of a one half-cent sales tax approved by the voters of San Diego County in 1987. The TransNet tax will expire in 2008, unless extended by the voters. No approved plan to extend this tax exists at this time. TransNet taxes received in the past 13 years have been about one billion eight hundred million dollars.

Many factors have an impact on transportation facilities. Those having the greatest effect are land planning and utilization. Also contributing are location of employment, shopping centers, education, recreation, and tourist facilities. Other factors that need to be considered, are transport through a community, military, stadiums, parks, manufacturing, hotels, landowners use, and developments.

Only about five percent of the residents of San Diego County utilize public transit, yet approximately twenty five percent of the available funds are spent for its equipment and facilities.

PROCEDURES

The Grand Jury:

Studied the monthly reports from staff for SANDAG, the principal agency now responsible for transportation planning in San Diego County;

Reviewed minutes of SANDAG meetings;

Studied an outline of the approved 2020 plan, the project financial statements, and the Regional Transportation Improvement Program, by SANDAG;

Attended a briefing and tour of the San Diego airport, (Lindbergh Field) by the San Diego Port District, regarding relocation of the airport to a better location;

Interviewed a member of the Board of Directors of the North San Diego County Transit District Development Board, regarding transit, the future of the coaster, and the proposed Oceanside-Escondido rail line;

Listened to a presentation by a representative of SANDAG;

Interviewed two representatives of SANDAG;

Interviewed two representatives of the Metropolitan Transportation Development Board;

Interviewed two representatives of CalTrans;

Visited a SANDAG board meeting regarding the Port District airport study.

FACTS

FREEWAYS, HIGHWAYS, ROADS-SAN DIEGO COUNTY

The Regional Infrastructure Agency (RITA) was amended and passed by the legislature as SB 329 in 2000. This bill created the 11 member Regional Government Efficiency Commission (RGECE).

San Diego County has about 600 miles of state highways, including 300 miles of freeways, and more than 7,000 miles of city and country roads.

According to information developed by one agency, average freeway speed is now estimated to be 24 miles per hour.

Planned transportation improvements will not maintain today's speeds with the limited amount of money available.

Buses have the same traffic problems as autos on freeways and streets.

TRAINS

The coastal train tracks are approaching capacity.

Double tracking will improve passenger service, and allow more freight to be hauled to and from the port and trackside business.

Passenger train utilization is limited by inadequate parking at station stops and the lack of shuttles to and from the stations.

Studies of the Escondido-Oceanside rail line indicate that it will not take many cars from State Highway 78 and parallel routes, but will take people from buses.

Investigation revealed that to increase utilization of the trains, parking and shuttle service will have to be provided at most station stops.

Only five percent of the residents of San Diego County utilize public transit equipment and facilities.

Los Angeles, Orange, and San Diego Counties have established an organization (LOSAN) to study, among other things, a ferry system along the coast, and a car train parallel with State Highway I-5.

AIRPORT

The San Diego Unified Port District operates Lindbergh Field, the main international airport serving San Diego County.

Lindbergh Field has limited growth potential, while the number of air travelers will continue to increase.

Airport expansion has been studied by the Port District for more than 25 years with no solution for relocation identified.

The most recent completed study of the airport cost \$325,000.

A Joint Airport Advisory Committee (JAAC), with SANDAG and the Unified Port District has been formed and is now developing the Air Transportation Action Program (ATAP) scope of work. This proposed study may cost more than one million dollars.

An official stated that the concept of an airport constructed at Camp Pendleton for the use of the United States Marine Corps, and acquisition of the Miramar Air Station for a civilian commercial airport could solve most of San Diego County's needs. This airfield

could also reduce the need for the marines to fly over some portions of San Diego County as presently being done.

In 1996 the voters approved a proposition to move the commercial airport to Miramar, which was then a naval air station, and later became a United States Marine air station.

FINANCING / FUNDING

Underfunded projects represent a debt that someone will have to pay in the future.

In 1987, when the electorate of San Diego County approved the TransNet sales tax, the grade for the County transportation system was judged to be a "C". Today that grade is judged to be a "D", on a scale of A best to F worst.

The TransNet sales tax was approved by only a 52.7% majority vote in 1987. Now a sales tax increase, will require a two thirds majority vote to pass, as a result of the passage of Proposition 37 in 2000.

Within San Diego County, present revenue sources cannot prevent future gridlock on highways, transit, and air travel.

One official stated that an airport district, formed with the ability to levy a tax combined with federal and local fees, can develop enough revenue to construct and operate a new airport within the county. Many smaller communities have done it.

An increase in sales tax of one half cent, within San Diego County, will return about 180 million dollars per year. (SANDAG estimate for 2001 is 180.20 million dollars with an estimated 10% increase per year.)

The 180 million dollars or more expected per year, will be enough to make annual principal and interest payments on a bond issue large enough, (when combined with State and Federal highway funds,) to pay for one new North-South freeway, one new East-West freeway, within San Diego County, extension and improvements on State Highways 52, 67, 76, 78, and 125, including provisions for train tracks, and/or transit within the new freeway right of ways.

Developers in San Diego County pay fees and assessments based upon projections made regarding the effect that the project will have upon the transportation system, which will serve the development.

Funds needed for maintenance, repair, replacement, and new construction exceed the projected funds that will be available far into the future.

There is no existing plan within San Diego County to use toll road funding for any new highway construction or operation.

There is no approved plan by any San Diego agency to use bonds or other debt to finance the construction of any new transportation projects within San Diego County.

Bond interest is now relatively low at about five percent while growth in construction costs are now approaching three times bond interest costs.

Other advantages to early long term financing are: (1) the project costs do not continue to increase after the project is completed; (2) the public gets the use of the facilities, and reaps the benefits of the project at an earlier date; (3) those who are using the facility pay as they use them, and (4) as the population increases, newcomers, who use the facility help to pay the debt for the project that they are using.

There is no plan for private financing of any transportation system within San Diego County.

While the revenue available for transportation projects will increase in the future, the costs of building these facilities will increase at a much faster rate.

With the present rate of growth and revenue generation, there will not be enough money for adequate funding of highway, transit, and airport expansion.

With insufficient funds for transportation, gridlock on the highways will continue to increase.

As highway and transit projects are constructed, maintenance costs will increase and percentage of funds available for construction of new projects will decrease.

Several agencies have developed plans for improvements to the transit systems of San Diego County, but financing for the proposed projects suggested by these studies has not been identified.

Issuance of Certificates of Participation (COP's) do not require a vote of the electorate as they are promises to pay annual lease payments on the project being financed.

As bond issues may not be adequate to cover all future growth or needed transportation projects, other methods of finance should also be considered, including the issuance of various types of bonds such as general obligation bonds, certificates of participation, sales tax, property tax from a transportation district, or airport district, toll roads, developer fees, user fees, and assessment districts.

PLANNING

A reduction in the number of agencies within San Diego County involved in transportation and land planning will improve the planning, construction, and operation of the transportation systems within San Diego County.

There are many different public agencies, who have a part in planning, construction, and operation of transportation systems within San Diego County.

These agencies have to compete for the same limited funds. Some of these agencies have conflict with each other and have overlapping jurisdictions.

An official, who was interviewed by the committee, said that transportation speeds can't improve without major and expensive changes to the freeway system.

Projections made to determine development impact fees are made without provision for inflation or the time it takes for completing the transportation system.

All projected transportation systems now planned in San Diego County are estimated to cost 30 billion dollars adjusted for inflation at three and one half percent per year, while revenues for the same period are estimated to be 17 billion dollars. This 13 billion-dollar deficit is not provided for in any existing plans nor is it addressed in this report.

There are no provisions for repair of highways or replacement of transit in case of disasters.

There are no provisions for new freeways within San Diego County in any of the current plans or projections.

There is no approved plan for transportation systems for San Diego County after the year 2020.

Scientists at the Los Alamos National Laboratory in New Mexico have developed an elaborate model computerized program, Traffic Analysis and Simulation System (TRANSIMS). This program will do an engineered study of an area of freeway using true-to-life details gleaned from census forms, travel surveys and other sources.

A commercial version of TRANSIMS will soon be available to transportation planners. Before building or widening a highway, planners could use this system. In the long run, it could help planners predict the ways in which a community will grow.

The San Diego County government is the only agency that includes all of the County and it has abdicated most of its responsibilities for transportation to other agencies.

The San Diego County transportation projects are constructed in accordance with an established SANDAG financial prioritizing system.

The process by which the projects are selected has become highly political. As a result, of this process a project selected may not be the most urgent.

The county transportation planning agencies have little or no formal contact with the adjacent counties or Baja California.

Proper planning requires the acquisition of property and right of way, long in advance of project construction. Prior acquisition reduces the ultimate project cost, and reduces public opposition to the project.

Many projects in San Diego County have a need for expansion as a result of population growth. This fact has been recognized for many years. In some cases, such as State Highway 76 in north San Diego County, for more than 30 years, yet right of way is still to be defined and acquired. One official stated that State Highway 76 is the most dangerous highway in San Diego County, and will be even more dangerous as casinos are constructed along the highway. Traffic will increase from today's average of about 5,000 cars per day to an estimated 95,000 cars per day.

Highway 78 between Oceanside and Escondido is already severely congested in several places. The highway currently carries more than 100,000 trips per day and is projected to carry 150,000 trips per day by 2020 (even with rail service). In addition, North County's population is expected to increase 74 percent by 2015. Caltrans does not have any plans to widen the Highway 78 corridor. Environmental constraints and acquisition costs are a real challenge to the widening of Highway 78 as a viable solution.

The recent political decision to delete proposed future construction of Highway 125 through the Poway area is very short-sighted if the growth in population is to be accommodated.

Projections are that the population of San Diego County will more than double by the time the county is completely built out. If this growth is to be accommodated, the construction of additional transportation facilities equal to the existing highway, transit, and airport facilities will be absolutely necessary.

County Highway 680 is a good example of a highway that was politically deleted from the highway master plan after a portion of the right of way had been set aside by some property owners. Now, the City of Encinitas and the county of San Diego are trying to find a replacement to comply with a court order. The court order requires the City of Encinitas and the County Of San Diego to provide a replacement highway route, in exchange for deleting the proposed County Highway 680.

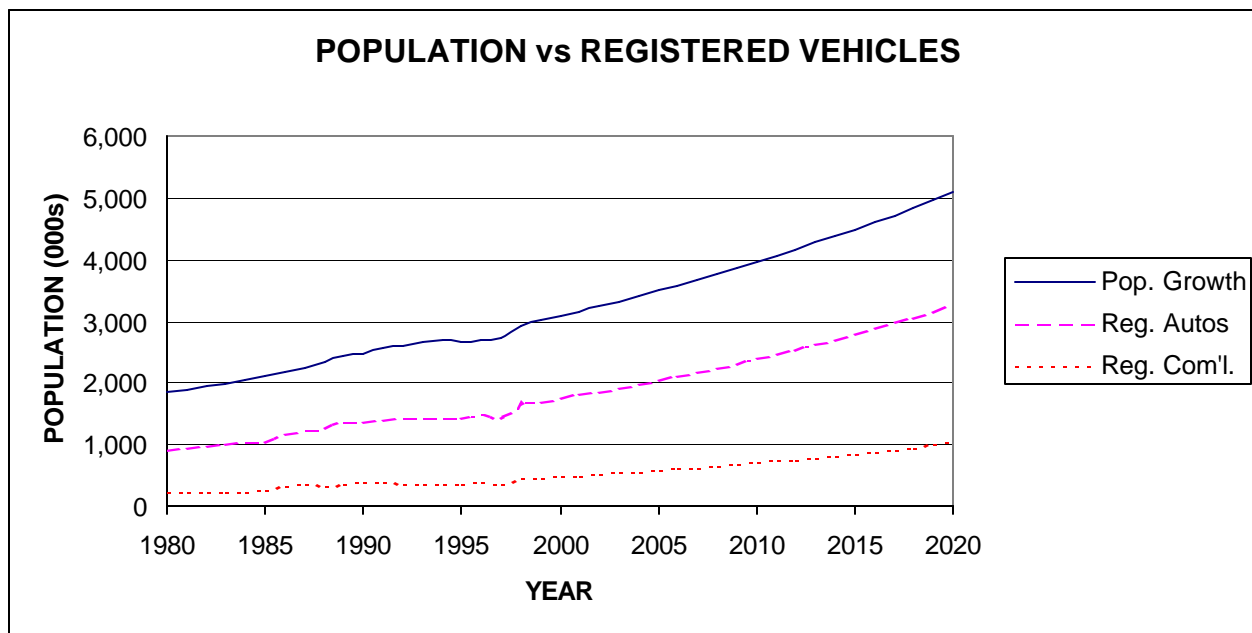
A major factor in planning for transportation systems, is land utilization. Land planning and transportation must be done simultaneously if maximum efficiency in the cost and operation of these systems is to be obtained.

The county and other land planning agencies within San Diego County, should adopt regulations to encourage development of open areas of the inner-city, sometimes referred to as “infilling”, in order to make public transportation more attractive and more efficient.

Smart growth is touted by some people as the answer to many problems of communities, including transportation but this has not proven to be true. In some cases traffic is getting worse, not better, and congestion remains the number one concern of area residents. Smart growth is about providing transportation, employment, housing, and education choices closer to job centers and public facilities. It is about planning development where residents can walk, bicycle or use public transportation to carry out our work, and recreation.

A future freeway constructed on level ground will require a right of way of about 250 feet wide. Hilly terrain will cause the right of way to be much wider, and at an interchange with other freeways could consume several hundred acres. A 50 mile freeway could easily consume 2500 acres in San Diego County. The right of way would also require the removal of many houses, buildings, and other improvements. Acquiring the right of way might consume 25 percent or more of the available funds and take 10 or more years to complete.

STATISTICS



Since 1980:

San Diego region's population has increased by more than 900,000, or about 47%;

Vehicle miles of travel in the state of California are up 86%;

Licensed drivers are up 46% and auto registrations are up 57 % in the state;

Commercial vehicle registration has increased by more the 150,000 or 72%;

“Telecommuting” from home would reduce the commute traffic by an estimated 2 percent;

Southern California freeway miles constructed have increased by approximately 10 percent, while vehicle miles traveled have increased by 100 percent in the same time period. Ninety five percent of all commute trips are taken by car.

COST/PUBLIC TRANSPORTATION

As the cost of owning and operating a car increases, it will disproportionately impact the people at the lower income levels.

Recent surveys show that most people use the bus because they are captive riders. Eighty three percent of bus riders do not own or have access to a car.

The price of gasoline and the costs of ownership of cars have not increased enough to cause motorists to abandon their car in favor of public transit. With the price adjusted for inflation, gasoline is cheaper today than it was in 1960, including 38 cents fuel and sales taxes.

ENVIRONMENTAL

As the population increases to more than five million people in San Diego County, there will be considerable impact upon the environment.

Documents examined indicate that the negative effect of increased traffic on the environment will far exceed the effects of construction of new transit or highway facilities. Increased traffic will impact negatively upon the environment more than the negative effect of highway, transit, and airport construction will have on the environment.

A witness stated that there must be some concession in the environmental area if the transportation systems are to provide for the continuous growth within the county. We can have environmental safeguards and still have more transportation facilities.

More parking, and improvements to transit stations, must take place if more people are to use public transportation.

To remain affordable, the Oceanside-Escondido track maintenance, and trains will have to be subsidized from some source, other than fares.

Many of the regions adopted air quality improvements and energy conservation strategies are based on the efficient movement of people and goods on a safe and uncongested regional highway system.

An official interviewed stated that quality public transportation must be better utilized, using the existing infrastructure, because we can't afford to build a guideway system, reserved for transit only, on the highways of the county.

PUBLIC ATTITUDES

A poll of people taken to determine potential riders, found a large percentage would not ride the bus no matter how bad traffic gets or how costly it is to operate an automobile.

Some people suggest that the solution for solving transportation problems in San Diego County is that the public be encouraged to take public transit rather than their cars.

A survey taken in North San Diego County indicated, by a majority of respondents, that they supported more transit for other people, but not for themselves because transit did not go where they needed to go.

Fare systems for transit must be improved and made user-friendly. Card based technology may be widely used. Better fare collection systems should be developed to ensure that all who ride the transit are paying to ride.

To get people out of their cars and into transit, free parking and shuttle service must be available all along the rail line at or near each stop.

The image of public transit systems will be improved with an increased interior cleaning of buses, trolley, and the coaster. Improvement of trolley station stops and pick up points will also help.

Despite many incentives, carpooling remains unpopular.

FINDINGS

1. There are more than 35 public organizations responsible for transportation systems within San Diego County. The multitude of agencies, subagencies, planning groups, and commissions, not only make it difficult to plan on a regional basis, but make it impossible for the public to understand.
2. The operation of the Joint Agency Negotiation Team On Consolidation, and the Regional Government Efficiency Commission, is one small step in the right direction. These organizations can help to improve transportation within San

Diego County if they can reduce the number of land planning agencies within the county.

3. Under present financial arrangements, there are not enough funds projected to be available to correct the existing transportation deficiencies and problems of San Diego County, or to construct all future projects that will be needed to accommodate future inhabitants. Other methods of financing of improvements are needed to reverse the continuous downward transportation spiral.
4. Transit and trains will only improve ridership and service after huge amounts of money are spent to improve facilities, and transit image. After improvements have been made, only a small percentage of the county inhabitants will be willing or able to use them.
5. Projected transportation construction and land acquisition costs are increasing at a greater rate than projected revenue growth.
6. The San Diego Unified Port District has spent several million dollars, and held hundred of public meetings over many years, making studies regarding the principal airport in San Diego County. The Port District is no closer to solving the problem than it was 25 years ago.
7. Many people believe that transportation projects should not have a negative effect on the environment. In fact, the lack of proper transportation facilities has a much greater impact on the environment. In order to prevent transportation gridlock, most environmental considerations should be secondary to transportation.
8. There must be some concessions in the area of the environment, if the transportation systems are to be made safer and more efficient within the county.
9. There are no approved plans to extend the TransNet tax, and only a preliminary Transportation plan without the tax after the year 2008. There is no plan for transportation after the present 2020 plan expires.
10. There will be a shortage of at least 13 billion dollars in funds available for all the transportation projects estimated to be needed over the next 20years. This 13 billion dollars are not included in those new monies recommended in this report.
11. Right of ways for future transportation projects must be acquired, as soon as possible, before they become impossible to obtain because of prior land use.
12. Only one toll road is under construction within San Diego County.
13. More parking, shuttle service, and improvements to the transit stations, are necessary if more people are to ride the transit.

14. The Escondido-Oceanside rail line will have to be subsidized from some source, other than fares, probably forever.
 15. Improvements to the coastal train track will be necessary, and more free parking and shuttle service will have to be provided, at most stops.
 16. By the time the county is built out, the population will double, and it will be necessary to double the present transportation system.
 17. The average bond interest cost is currently at about five per cent per year, while construction costs are currently increasing by as much as 15 per cent per year.
 18. Planning and construction take too long. In some cases costs of a project can more than double while in the planning stage. The Oceanside-Escondido rail line is an example of a cost estimate that has doubled since the first concept was approved.
 19. The voters of San Diego County approved a proposition to move the civilian commercial airport to Miramar air station in 1996.
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RECOMMENDATIONS

That the San Diego County Board of Supervisors:

- 01-131:** take the lead in the planning, design, construction, modification, and operation of all the projected ultimate transportation facilities using the latest technology (TRANSIMS) within San Diego County, except Caltrans and Amtrack.
- 01-132:** sponsor Legislation to be introduced and adopted to allow the above recommendation to be implemented.
- 01-133:** place a bond proposition on the next ballot for the purpose of planning, to acquire right of ways, to design, to finance, and to construct, in an environmentally sensitive manner, at least one new North-South freeway and one new East-West freeway within San Diego county, with provision for construction of a rail or similar system, or transit within the right of way of each new freeway. The proposition to provide for an extension or improvement to State Highways 52, 67, 76, 78, and 125, possibly into Riverside, Orange, and Imperial counties, and Baja California. The proceeds from the sale of these bonds to be used only for the construction of these projects.

- 01-134:** Place a proposition on the next ballot to authorize a one half percent sale tax within San Diego County, to take effect immediately after the effective date. The revenue from this one half percent sales tax to be used only for redemption of the bonds issued in the above bond proposition.
- 01-135:** Place a proposition on the next ballot to authorize a one half cent sales tax to extend the present TransNet tax, for transportation only. To take effect upon the date the present TransNet tax authorization expires in 2008. This tax to be used only as the existing TransNet tax is presently being administered.
- 01-136:** Consider the construction and operation of toll roads, and/or private investment in highways transit, or a combination of both.
- 01-137:** Consider the use of general obligation bonds or certificates of participation as financing for construction of new transportation facilities.
- 01-138:** To assume the leadership role that the County Board Of Supervisors has to form a countywide airport district for the purpose of developing a plan, to finance, to acquire property, and to construct a new international commercial airport to serve residents and business of San Diego County.
- 01-139:** Give priority consideration to the construction of a military airfield for the United States Marines on Camp Pendleton and to acquire the property and facilities at Miramar Air Station for construction and operation of an international commercial airport.
- 01-140:** Encourage the State of California to look closely at a ferry system and a car- train along the coast from Santa Barbara to San Diego to help relieve traffic on highway I-5.
- 01-141:** Take the lead in planning for and acquiring the right of way for all the projected ultimate needs of the transportation systems for San Diego County.
- 01-142:** Consider the use of a combination of funding which can be made available for debt financing, in addition to bonds. Among those sources are sales tax, property tax, development fees, transit fees, toll roads, state and federal transportation funds, and private funds.
- 01-143:** Immediately prepare a master transportation plan for the ultimate build out of the county. Whatever plan is adopted by the Board, should be adopted soon to prevent escalation of costs.

**THAT THE NORTH SAN DIEGO COUNTY TRANSIT DEVELOPMENT BOARD,
AND THE METROPOLITAN TRANSIT DEVELOPMENT BOARD:**

- 01-144:** Actively develop a plan to double track the rail line along the coast of San Diego County including lowering the rail line through the city of Encinitas and the City of Del Mar and constructing an environmentally sensitive structure above and below the track where it is necessary to protect the track, the bluff, and the beach.
- 01-145:** Construct more free parking at station stops to enable more people to ride the coaster and to consider the use of rail right of way for parking in place of acquiring additional property.

REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933(c) requires any public agency which the grand jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. *Such comments shall be submitted no later than 90 days after the grand jury submits its report to the public agency.* Also, every ELECTED county officer or agency head for which the grand jury has responsibility shall comment on the findings and recommendations pertaining to matters under the control of that county officer or agency head, as well as any agency or agencies which that officer or agency head supervises or controls. *Such comment shall be made within 60 days to the Presiding Judge of the Superior Court with an information copy sent to the Board of Supervisors.*

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.

- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

**San Diego County
Board of Supervisors**

Recommendations: 01-131 through 01-143

**North San Diego County
Transit Development Board**

Recommendations: 01-144 and 01-145

**Metropolitan Transit
Development Board**

Recommendations: 01-144 and 01-145